

REMARKS

The Applicants hereby submit this Amendment and Request For Reconsideration in response to the Office Action mailed on 27 July 2006 for the subject application.

The present application was filed with claims 1-33. In the present amendment, the Applicants amend claims 1, 15, and 26 and add new claims 34-38; no claims have been canceled. Therefore, claims 1-33 as amended and new claims 34-38 are currently pending in the present application. By this amendment, no new matter has been entered. The added limitations are fully supported in the present application as originally filed.

In the Office Action of 27 July 2006, the Examiner rejected claims of the present application under 35 U.S.C. § 103 as being unpatentable over Zellner (U.S. Patent Application Publication No. 2004/0125800) in view of Maggenti (U.S. Patent No. 6,663,765). In response, the Applicants respectfully submit that the claims as amended are allowable over the prior art for at least the following reasons.

In order for claims to be properly rejected under 35 U.S.C. § 103, the prior art alone or in combination must teach or suggest each and every limitation of the claims. In the present case, the prior art of record – alone and in combination – fails to teach or suggest every limitation of the claims as amended.

In particular, the prior art fails to teach or suggest the steps of “receiving a voice call request for a voice call involving a mobile communication device while the mobile communication device is engaged in a connected data communication service” and “in response to receiving the voice call request [of the voice call of the mobile communication device engaged in the connected data communication service]: causing a traffic channel of the connected data communication service to be torn down.”

Zellner relates to a technique for prioritizing the establishment of connections for voice calls and data calls by the network based on priorities of various subscribers and whether the connections are for voice or data calls. The network may receive a voice call

request from a subscriber while currently-established connections exist for other subscribers, but Zellner fails to teach or suggest the same with respect to a single subscriber. Zellner does not describe the step of “receiving a voice call request for a voice call involving a mobile communication device while the mobile communication device is engaged in a connected data communication service. Further, as the Examiner has already admitted, “Zellner does not explicitly show that in response to receiving the voice call request: causing a traffic channel of the connected data communication service to be torn down; and causing a voice call to be established with the mobile communication device” (see page 2 of the Office Action).


On the other hand, Maggenti relates to allowing multicast transmission to be efficiently distributed in a wireless network by limiting transmission of multicast information to a subset of available devices in the wireless network. These teachings of Maggenti have nothing to do with the present invention. At most, Maggenti teaches that “[a] channel is maintained for the duration of the call. When the call terminates, the channel is de-allocated, or ‘torn down’, so that it may be used for another call” (see col. 7 at lines 63-65 of Maggenti). However, this teaching describes nothing but traditional techniques for setting up, maintaining, and tearing down calls in a wireless network. As apparent, Maggenti does not teach or suggest the step of “in response to receiving the voice call request [of the voice call of the mobile communication device engaged in the connected data communication service]: causing a traffic channel of the connected data communication service to be torn down.”

Since the prior art of record in combination fails to teach or suggest each and every limitation of the claims, the rejections under 35 U.S.C. § 103 fail and the claims are allowable over the prior art. The Applicants respectfully request the Examiner to withdraw the § 103 rejections and allow all of the pending claims. Other reasons for the allowability of the claims over the prior art are apparent to those of ordinary skill in the art, and are not outlined herein due to the sufficient reasons for allowability already provided above.

Again, the Applicants respectfully submit that the pending claims are allowable over the prior art of record and the application is in a condition suitable for allowance.

Thank you. Please feel free to contact the undersigned if it would expedite prosecution of the application.

Respectfully Submitted,



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